

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN TOTIN,

Plaintiff,

—against—

OXFORD PROPERTY GROUP LLC and
SAGI PARIENTE,

Defendants.

**AFFIRMATION IN SUPPORT OF
REQUEST FOR CLERK'S
CERTIFICATE OF
DEFAULT**

Civil Action No. 21-CV-3129 (PAE) (KHP)

Brian Totin hereby declares as follows:

1. I am the plaintiff in this action.
2. I am fully familiar with the facts and circumstances stated herein.
3. I make this Affirmation in Support of Plaintiff's Request for Clerk's Certificate of Default against the Defendant OXFORD PROPERTY GROUP LLC, for failure to answer or appear in this action.
4. This action was commenced pursuant to the filing of a Summons and Complaint on April 11, 2021.
5. Defendant OXFORD PROPERTY GROUP LLC was properly served with a copy of the Summons and Complaint by a process server on April 19, 2021, as evidenced by the Affidavit of Service signed by Christopher Warner, previously filed with the Court and annexed to this affirmation.

6. The time for defendant OXFORD PROPERTY GROUP LLC to answer or otherwise move with respect to the complaint herein has expired.

7. Defendant OXFORD PROPERTY GROUP LLC has not answered or otherwise moved with respect to the complaint, and the time for defendant OXFORD PROPERTY GROUP LLC to answer or otherwise move has not been extended.

8. Defendant OXFORD PROPERTY GROUP LLC is not an infant or incompetent. Defendant OXFORD PROPERTY GROUP LLC is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, plaintiff Brian Totin requests that the default of defendant(s) OXFORD PROPERTY GROUP LLC, be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated: May 11, 2021
New York, New York

/s/ Brian Totin
Brian Totin
Plaintiff Pro Se
PO Box 230581
New York, NY 10023
(917)-881-1830
brian@briantotin.com

ATTORNEY(S) :

Index # : 1:21-cv-03129-UA

PURCHASED/FILED : April 11, 2021

STATE OF : New York

COURT : U. S. District

COUNTY/DISTRICT : Southern Dist.

AFFIDAVIT OF SERVICE

BRIAN TOTIN

VS

OXFORD PROPERTY GROUP LLC AND SAGI PARIENTE

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK COUNTY OF ALBANY

CHRISTOPHER WARNER, being duly sworn deposes and says deponent is not a party herein, is over the age of eighteen years and resides in the State of New York. That on APRIL 19, 2021 at 1:25 PM at c/o CORPORATION SERVICE COMPANY 80 STATE STREET, ALBANY, NY 12207 deponent did serve the following :
(Address where service was accomplished.)

SUMMONS IN A CIVIL ACTION & COMPLAINT

on:

OXFORD PROPERTY GROUP LLC

Defendant (herein called recipient) therein named. , SS.:

INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

CORP. ☒ A corporation, by delivering thereat a true copy of each to MINARD CARKNER personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be AUTHORIZED AGENT thereof.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person, including an effort to reach the defendant by telephone, (if such telephone number was available) and an attempt to locate the defendant's place of employment.

SUITABLE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion who agreed to accept on behalf of the party.. Said premises is recipient's: [] dwelling house (usual place of abode). [] actual place of business

AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

MAILING COPY ☐ On _____ deponent completed service under the last two sections by depositing a copy of the above listed documents to the above address in a First Class postpaid properly addressed plain envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

The outside of the envelope did not include a return address or indicate that the communication was from an attorney. Deponent called at the aforementioned address on the following dates and times:

on the _____ day of _____	at _____
on the _____ day of _____	at _____
on the _____ day of _____	at _____
on the _____ day of _____	at _____
on the _____ day of _____	at _____

DESCRIPTION ☒ A description of the person served is as follows:
(use with #1, 2 or 3) Sex MALE Color of skin WHITE Hair BROWN Approx. Age 36 - 50 YRS. Approx. Height OVER 6'
Approx. weight OVER 200 LBS. Other BEARD AND MUSTACHE

WIT. FEES ☐ \$ _____ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

NON MIL ☒ To the best of my knowledge and belief, said person was not presently in military service of the United States Government or on active duty in the military service in the State of New York at the time of service.



Sworn to before me on this

20th April, 2021

Yvonne Strain
NOTARY PUBLIC

YVONNE STRAIN
NOTARY PUBLIC, State of New York
01ST6314054, Schenectady
Commission Expires November 3, 2022

Christopher Warner
CHRISTOPHER WARNER

Invoice Work Order # 2112129
Attorney File # 2109035

UNITED STATES DISTRICT COURT

for the

Southern District of New York

BRIAN TOTIN

Plaintiff(s)

v.

OXFORD PROPERTY GROUP LLC
and SAGI PARIENTE

Defendant(s)

Civil Action No.

21 CV 03129

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* OXFORD PROPERTY GROUP LLC
5 West 37th Street
12th Floor
NEW YORK, NY 10018

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Brian Totin
PO Box 230581
New York, NY 10023

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

D. Shea

Signature of Clerk or Deputy Clerk

Date:

4/13/2021

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: